

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS Lori Young 6301 Sentinel Ridge Eagleville, PA 19403</p> <p>(b) County of Residence of First Listed Plaintiff <u>Montgomery</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Graham F. Baird, Esq. Law Offices of Eric A. Shore 2 Penn Center, 1500 JFK Blvd, Suite 1240, Philadelphia, PA 19102 Tel: 267-546-0131</p>		<p>DEFENDANTS SAP AMERICA, INC. 3999 West Chester Pike Newtown Square, PA 19073</p> <p>County of Residence of First Listed Defendant <u>Delaware</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (<i>If Known</i>)</p>																																				
<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <table border="0"> <tr> <td><input type="checkbox"/> 1 U.S. Government Plaintiff</td> <td><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></td> </tr> <tr> <td><input type="checkbox"/> 2 U.S. Government Defendant</td> <td><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></td> </tr> </table>		<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>	<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="0"> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> PTF</td> <td><input type="checkbox"/> DEF</td> <td><input type="checkbox"/> PTF</td> <td><input type="checkbox"/> DEF</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td></td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td></td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td></td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		Citizen of This State	<input type="checkbox"/> PTF	<input type="checkbox"/> DEF	<input type="checkbox"/> PTF	<input type="checkbox"/> DEF	Citizen of Another State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 4	<input type="checkbox"/> 4		<input type="checkbox"/> 2	<input type="checkbox"/> 2		<input type="checkbox"/> 5	<input type="checkbox"/> 5		<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6								
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<p>VI. CAUSE OF ACTION</p>		<p>Brief description of cause: Americans with Disabilities Act</p>																																				
<p>VII. REQUESTED IN COMPLAINT:</p>		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMANDS 150,000.00	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No																																		
<p>VIII. RELATED CASE(S) IF ANY <i>(See instructions):</i></p>		JUDGE <i>[Signature]</i>	DOCKET NUMBER																																			
DATE 07/05/2017	SIGNATURE OF ATTORNEY OF RECORD																																					
FOR OFFICE USE ONLY																																						
RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE																																		

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

Lori Young	:	CIVIL ACTION
v.	:	
SAP America, Inc.	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (✓)

7/5/17
Date

Graham F. Baird
Attorney-at-law

Lori Young
Attorney for

267-546-0131
Telephone

215-923-5951
FAX Number

grahamb@ericshort.com
E-Mail Address

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 6301 Sentinel Ridge, Eagleville, PA 19403

Address of Defendant: 3999 West Chester Pike, Newtown Square, PA 19073

Place of Accident, Incident or Transaction: 3999 West Chester Pike, Newtown Square, PA 19073
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No

Does this case involve multidistrict litigation possibilities?

Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases

(Please specify) _____

B. *Diversity Jurisdiction Cases:*

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify) _____
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

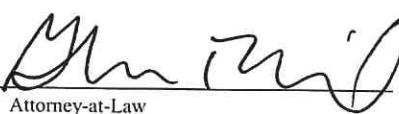
(Check Appropriate Category)

I, Graham F. Baird, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: 7/5/17


Attorney-at-Law

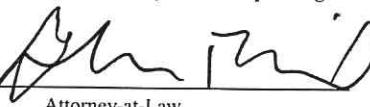
92692

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 7/5/17


Attorney-at-Law

92692

Attorney I.D.#

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LORI YOUNG	:	
6301 Sentinel Ridge	:	
Eagleville, PA 19403	:	JURY DEMANDED
Plaintiff,	:	
v.	:	
SAP AMERICA, INC.	:	No.
3999 West Chester Pike	:	
Newtown Square, PA 19073	:	
And	:	
JOHN DOE DEFENDANTS Nos. 1-10	:	
Defendants	:	

CIVIL ACTION COMPLAINT

I. Parties and Reasons for Jurisdiction.

1. Plaintiff, LORI YOUNG (hereinafter "Ms. Young") is an adult individual residing at the above address.

2. Defendant, SAP AMERICA, INC. (hereinafter "Defendant") is a foreign business corporation organized by and operating under the laws of the State of Delaware and having a principal place of business at the above captioned address.

3. Defendants, John Does Nos. 1-10 are individuals, employees, agents or servants of Defendants who may have liability to Plaintiff for violations of law set forth herein as follows, but are unknown to Plaintiff and therefore not specifically identified.

4. At all times material hereto, Defendants, qualified as Plaintiff's employer pursuant to the Americans with Disabilities Act, the Pennsylvania Human Relations Act and as defined under Pennsylvania common law.

5. This action is instituted pursuant to the Americans with Disabilities Act and the Pennsylvania Human Relations Act.

6. Jurisdiction is conferred by 28 U.S.C. §§ 1331 and 1343.

7. Supplemental jurisdiction over the Plaintiff's state law claim is conferred pursuant to 28 U.S.C. § 1337.

8. Ms. Young has satisfied the administrative prerequisites and exhausted her administrative remedies prior to bringing this civil rights claim. [Exh. A.]

9. Pursuant to 28 U.S.C. § 1331(b)(1) and (b)(2), venue is properly laid in this district because Defendants conduct business in this district, and because a substantial part of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district. Plaintiff was working in the Eastern District of Pennsylvania at the time of the illegal actions by Defendants as set forth herein.

II. Operative Facts.

10. On or about April 16, 2001, Ms. Lori Young was hired as an Executive Assistant by SAP America, Inc.

11. Ms. Young, who is diagnosed with lupus, disclosed her medical condition to Respondent before her hiring.

12. Beginning in September of 2012, Ms. Young's symptoms worsened.

13. By the end of September of 2012, Ms. Young was working from home with approval from SAP America, Inc. as an accommodation under the Americans with Disabilities Act for her lupus flare-ups.

14. In early 2013, Ms. Young was assigned to work directly for Steven Shander, Chief Customer Officer for Defendant.

15. Beginning almost immediately after she was permitted to work from home, Mr. Shander would demand to know when Ms. Young would be returning to work in the office.

16. As Mr. Shander did not live in the state and was not often in the office, it should not have mattered from where Ms. Young performed her job.

17. Beginning in January, 2015, Ms. Young became the target of increasing animosity from Mr. Shander.

18. Small errors not the fault of Ms. Young or issues common to other executive assistants were cause for extreme criticism and scorn by Shander.

19. In one such example, in January of 2016, Ms. Young was handling the arrangement of meeting places for Mr. Shander during an annual conference of upper management for Defendant.

20. Due to the nature of this conference, there were many meetings occurring and not enough space in which to have them.

21. As a result, Ms. Young was forced to schedule some of Mr. Shander's meetings either in a shared location or outside of meeting rooms.

22. Ms. Young was screamed at, berated and written up for this, despite the fact that the executive meeting rooms that Shander requested were being used by higher ranking management executives.

23. In another instance, Ms. Young was given an incorrect name to email information to on Mr. Shander's behalf.

24. After the email was sent, Shander criticized Ms. Young stating that she should have caught the incorrect name, despite Shander providing her the wrong email.

25. Ms. Young complained about Shander's hostile treatment to Defendant's human resources department and Ms. Young's supervisor Courtney DePeter, and the Vice President of HR, Jewel Parkinson.

26. Ms. Young was told to "work it out with Steve".

27. The constant belittlement by Shander took a toll on Ms. Young's already fragile health.

28. She was constantly anxious and walking on eggshells, wondering what she was going to be written up for next.

29. On February 8, 2016, Ms. Young was terminated due to "unsuccessful performance", despite the fact that up until she began to work exclusively with Mr. Shander, Ms. Young was a model employee and received excellent reviews.

30. Ms. Young was not given a fair or reasonable opportunity to work within the parameters she needed to as a result of her disability, and was instead harassed and badgered to the point wherein she was ultimately terminated.

31. Defendant's termination of Plaintiff was motivated by animus towards her disability.

32. Defendant's purported reason for terminating Plaintiff was pretext.

33. Defendant failed to reasonably accommodate Plaintiff's disability.

34. Defendant created, maintained and/or permitted to exist a work environment hostile to the Plaintiff's disability.

35. As a direct and proximate result of Defendant's conduct in terminating Plaintiff, she sustained great economic loss, future lost earning capacity, lost opportunity, loss of future

wages, as well emotional distress, humiliation, pain and suffering and other damages as set forth below.

III. Causes of Action.

COUNT I– AMERICANS WITH DISABILITIES ACT
(42 U.S.C.A. § 12101 et seq)
(Plaintiff v. Defendants)

36. Plaintiff incorporates paragraphs 1-35 as if fully set forth at length herein.
37. At all times material hereto, and pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq., an employer may not discriminate against an employee based on a disability.
38. Plaintiff is a qualified employee and person within the definition of Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq.
39. Defendant is an “employer” and thereby subject to the strictures of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq.
40. At all times material hereto, Plaintiff had a qualified disability, as described above.
41. As set forth above, Plaintiff was subjected to a hostile work environment due to her aforementioned disability.
42. Defendant’s conduct in terminating Plaintiff is an adverse action, was taken as a result of her disability and constitutes a violation of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq.,
43. As a proximate result of Defendants’ conduct, Plaintiff sustained significant damages, including but not limited to: great economic loss, future lost earning capacity, lost opportunity, loss of future wages, loss of front pay, loss of back pay, as well as emotional

distress, mental anguish, humiliation, pain and suffering, consequential damages and Plaintiff has also sustained work loss, loss of opportunity, and a permanent diminution of her earning power and capacity and a claim is made therefore.

44. As a result of the conduct of Defendant's owners/management, Plaintiff hereby demands punitive damages.

45. Pursuant to the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq Plaintiff demands attorneys fees and court costs.

**COUNT II—PENNSYLVANIA HUMAN RELATIONS ACT
43 Pa.C.S.A. §951, et seq.
(Plaintiff v. Defendants)**

46. Plaintiff incorporates paragraphs 1-45 as if fully set forth at length herein.

47. As set forth above, Plaintiff is a member of a protected class.

48. Defendant subjected Plaintiff to a hostile work environment due to her disability.

49. Defendant terminated Plaintiff's employment.

50. As set forth above, a motivating factor in the decision to terminate Plaintiff's employment is Plaintiff's disability.

51. Plaintiff suffered disparate treatment in the manner in which she was terminated as compared to similarly situated able-bodied employees, who received more favorable treatment by Defendants.

52. As such, Defendant violated the Pennsylvania Human Relations Act, 43 Pa.C.S.A. §951, et seq.

53. As a proximate result of Defendants' conduct, Plaintiff sustained significant damages, including but not limited to: great economic loss, future lost earning capacity, lost opportunity, loss of future wages, loss of front pay, loss of back pay, as well as emotional

distress, mental anguish, humiliation, pain and suffering, consequential damages and Plaintiff has also sustained work loss, loss of opportunity, and a permanent diminution of earning power and capacity and a claim is made therefore.

54. As a result of the conduct of Defendant's owners/management, Plaintiff hereby demands punitive damages.

55. Plaintiff demands attorneys' fees and court costs.

IV. Relief Requested.

WHEREFORE, Plaintiff, Lori Young demands judgment in her favor and against Defendant, SAP America, Inc., in an amount in excess of \$150,000.00 together with:

- A. Compensatory damages, including but not limited to: back pay, front pay, past lost wages, future lost wages. Lost pay increases, lost pay incentives, lost opportunity, lost benefits, lost future earning capacity, injury to reputation, mental and emotional distress, pain and suffering;
- B. Punitive damages;
- C. Attorneys fees and costs of suit;
- D. Interest, delay damages; and,
- E. Any other further relief this Court deems just proper and equitable.

LAW OFFICES OF ERIC A. SHORE, P.C.

BY: 

GRAHAM F. BAIRD, ESQUIRE

Two Penn Center
1500 JFK Boulevard, Suite 1240
Philadelphia, PA 19110

Date: 7/5/17

Attorney for Plaintiff, Lori Young

EXH. A

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To:

From:

Lori Young
6301 Sentinel Ridge
Eagleville, PA 19403

Philadelphia District Office
801 Market Street
Suite 1300
Philadelphia, PA 19107



*On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No. 530-2017-00130	EEOC Representative Legal Unit, Legal Technician	Telephone No. (215) 440-2828
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THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

- NOTICE OF SUIT RIGHTS -
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

Enclosures(s)

On behalf of the Commission

Spencer H. Lewis, Jr.,
District Director

4/13/17
(Date Mailed)

cc: **SAP AMERICA**Isabelle L. Finberg, Assistant General Counsel
(Respondent)Graham F. Baird (for Charging Party)
ERIC A. SHORE LAW OFFICES